

Resolution #22-2006
ORDINANCE AMENDMENT #27-2005

Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Zoning Committee, having considered Petition #27-2005, (copy attached) which was filed November 10, 2005, to amend the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon November 30, 2005 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, the Oneida County Board of Supervisors directed the Planning & Zoning Committee to conduct another public hearing; and

WHEREAS, the Oneida County Planning & Zoning Committee has considered changes to the Oneida County Zoning & Shoreland Protection Ordinance, to Section 9.73 Overlay Districts; and

WHEREAS, the Planning & Zoning Committee does not believe Oneida County should require a minimum size home; and

WHEREAS, the Planning & Zoning Committee believes requiring a minimum size home is a financial burden to the citizens of Oneida County; and

WHEREAS, smaller homes may have less impact environmentally & aesthetically on shoreland properties; and

WHEREAS, all the Towns were provided with a written notice of said changes; and

WHEREAS, the Towns of Pine Lake, Piehl, Crescent, Minocqua, Newbold, Three Lakes, and Woodruff have stated keep the current Overlay District language; and

WHEREAS, the Towns of Cassian, Sugar Camp, and Hazelhurst have stated drop the current Overlay District language; and

WHEREAS, the remaining towns of Enterprise, Lake Tomahawk, Little Rice, Lynne, Monico, Nokomis, Pelican, Schoepke, Stella, & Woodboro did not respond and it is assumed that by the non-response they are in favor of removing the current overlay district language; and

WHEREAS, the Planning & Zoning Committee has carefully studied the proposed changes after listening to comments made at the public hearing and believes the issue is of such importance it should be debated and decided by the entire County Board;

NOW THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby accepts and approves Petition #27-2005 and ordains as follows:

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this

ordinance shall be and are hereby repealed as far as any conflict exists.
Section 2: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 3: Ordinance Amendment #27-2005 is hereby adopted amending the Oneida County Zoning & Shoreland Protection Ordinance as follows:

Deletions noted by ~~strikethrough~~.

~~9.73 DWELLING OVERLAY DISTRICTS (#19-2001, #66-2002, #10-2004)~~

~~A. DWELLING OVERLAY DISTRICT #1 - LIMITED SITE-BUILT DWELLING, MANUFACTURED BUILDING AND MANUFACTURED HOME LOCATION AND OCCUPANCY OVERLAY DISTRICT LOCATION AND OCCUPANCY OVERLAY DISTRICTS AND RELATED REQUIREMENTS. The territory included within the boundaries of each of the Towns of Oneida County that come under the jurisdiction of this ordinance as provided in Section 9.12 (B), shall be placed into one or more of the location and occupancy overlay district by official action of the respective town boards following a public hearing for which a Class 2 notice has been published in compliance with Chapter 985, Wis. Stats. Such official town board action shall become effective upon the filing of a certified copy of the same with the Office of the Oneida County Clerk. Any site-built dwelling, manufactured building or double wide manufactured home shall be permitted in this area subject to the following minimum requirements.~~

- ~~1. The minimum width between the longest exterior sides of the structure is 24 feet.~~
- ~~2. The footprint of the dwelling must be 720 square feet or greater in size.~~
- ~~3. The structure has a shingled pitched roof with a minimum pitch of 2.3 to 12 with a minimum roof overhang of not less than 6 inches on all sides. The minimum roof overhang requirement may be waived if that applicant demonstrates that the roof overhang component of the designed structure would exceed the maximum width of a structure which can be legally transported over public highways and roads between the manufacturing site and the intended location and occupancy site.~~

~~B. DWELLING OVERLAY DISTRICT #2 - GENERAL SITE BUILT MANUFACTURED BUILDING AND MANUFACTURED HOME LOCATION AND OCCUPANCY OVERLAY DISTRICT.~~

- ~~1. The footprint of the dwelling must be 720 square feet or greater in size.~~
- ~~2. The roof of the dwelling must have a minimum pitch ratio of 2.3 to 12. Eave overhangs of 6 inches or greater are required. Finished roofing material shall be shingles or other acceptable roofing materials.~~
- ~~3. Any space between the dwelling and the grade or slab shall be enclosed with materials compatible in design and appearance with the exterior of the dwelling.~~
- ~~4. Porches, garages, breezeways, storage appurtenances, carports, and basements shall not be included in calculating the minimum square footage.~~

~~C. DWELLING OVERLAY DISTRICT #3 - GENERAL LOCATION AND OCCUPANCY OVERLAY DISTRICT.~~

- ~~1. The minimum width of the dwelling must be 10 feet between the longest exterior sides.~~
- ~~2. The roof of the dwelling must have a minimum pitch ratio of 2.3 to 12. Eave overhangs of 6 inches or greater are required. Finished roofing materials shall be shingles or other acceptable roofing materials.~~
- ~~3. Any space between the dwelling and the grade or slab shall be enclosed with materials compatible in design and appearance with the exterior of the dwelling.~~
- ~~4. Porches, garages, breezeways, storage appurtenances, carports, and basements shall not be included in calculating the minimum width.~~

~~D. DWELLING OVERLAY DISTRICT #4 - OPEN LOCATION AND OVERLAY DISTRICTS. Requirements. For dwellings, the space between the dwelling and the grade or slab shall be enclosed with materials compatible in design and appearance with the exterior of the dwelling.~~

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E. ~~Subject to the limitations of Section 9.52, 9.53, and Article 9 of this ordinance, a landowner will be allowed to replace a house trailer, mobile home, manufactured home, or stick built home not in full compliance with the overlay district requirements. The replacement structure would have to be the same square footage or larger, location, construction and use that immediately existed prior to replacement. An applicant must provide a completed zoning permit application showing the size and location of the proposed replacement house trailer, mobile home, manufactured home, or stick built home. The Town in which the proposed structure is to be located must approve of said waiver in writing prior to permit issuance. Furthermore, rebuilding or replacing any dwelling, in any of the four (4) dwelling overlay districts, that is destroyed by a catastrophic event shall not be bound by the minimum dwelling size requirements of the overlay district in which that dwelling was located prior to destruction.~~

F. ~~Site built dwellings, manufactured buildings and double wide manufactured homes and certain single wide manufactured homes.~~

~~Site built dwellings, manufactured buildings and double wide manufactured homes and single wide manufactured homes shall be permanently attached to footings or foundations meeting the applicable provisions of Wis. Admin. Code COMM 21.14, 21.15, 21.16, 21.17 and 21.18. Such double wide and single wide manufactured homes shall be permanently attached to their footings or foundations pursuant to the manufacturer's installation instructions.~~

G. ~~Single wide manufactured homes, mobile homes and house trailers.~~

~~Single wide manufactured homes and mobile homes and house trailers shall be set in place at the site in accordance with the manufacturer's installation instructions, if available, otherwise pursuant to accepted industry standards.~~

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The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #27-2005 by the Oneida County Board of Supervisors, cause a copy thereof to be transmitted by certified mail to the Wisconsin Department of Natural Resources and all the Town Clerk's in Oneida County and Ordinance Amendment #27-2005 shall become effective immediately upon passage and publication as provided by law.

Approved by the Planning & Zoning Committee this 1st day of March 2006.

Vote Required: Majority = _____ 2/3 Majority = _____ ¾ Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Offered and passage moved by:

Supervisor

Supervisor

Supervisor

Supervisor

Supervisor

Seconded by: _____

_____ Ayes

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